

This is my second set of comments that I am submitting for consideration by the commissioners of the Federal Communications Commission.

I have just completed my review of all of the comments filed as of 11 p.m. on June 12, 2007. I am not surprised for one moment by the entities (mainly national and state broadcaster associations) and members of the U.S Congress that have comments opposing the proposed merger between Satellite Radio, Inc. and XM Satellite Radio Holdings, Inc.

The broadcasters are afraid of the competition that satellite radio creates within the radio broadcasting industry and opposing the merger purely for selfish reasons. Their self interests should be noted and their opposition and arguments against the merger should be discounted. Satellite radio would not exist if "free air" radio stations offered innovative entertainment with a variety of music and not the garbage they attempt to "sell" as entertainment.

The various members of the U.S. Congress who have filed comments opposing the merger have received and will receive MONEY in the form of contributions towards their respect campaign war chests. Their opposition to the merger demonstrates the fact that votes are sold by our elected officials to the individual or entity that can afford to buy their votes with campaign contributions, gifts, and trips. These members of the U.S. Congress should be ashamed of themselves and need to remember that they represent the voters in their respective states and congressional districts and not high dollar lobbyists for the "free air" broadcasters industry. I find their conduct disgusting to say the least.

In the end, the commissioners should take note of the fact that consumers are educated, aware of what is and is not a good deal, and will "vote" with their subscription dollars if the company that emerges from the merger takes consumers for granted and increases the cost of the subscription to satellite radio.

I do hope that the members of the Commission remember who they work for --- consumers --- and vote to allow the merger to occur.

The reality is that "free radio" stations compete for the business of consumers with these two satellite radio providers. The market is defined not by artificial and arbitrary definitions but rather by consumers. I consider satellite to be an alternative in the radio broadcasting industry to the bland entertainment provided by "free air" radio stations.

Let the actions of the "free radio" broadcasters speak for them. National and state broadcaster associations have done everything that they can to attempt to "snuff out" what is an excellent alternative source of radio entertainment for consumers. The tone of these associations comments and resolutions reveal the fact that they would like nothing better than to "kill" satellite radio and thereby deprive consumers of their right to seek alternative radio providers and entertainment.

I am a satellite radio consumer. I am not an investor in either of these two corporations. I do not consider the current level of subscription fees to be excessive and appreciate having a real choice as a consumer between commercial "free radio" and the excellent, diverse entertainment offered by satellite radio. I also like the fact that when I travel across the country I do not have change from station to station as the signal of the stations I am listening to fade in and out.

Consumers will vote with their dollars if the resulting merger results in "harm" to the consumer in the form of excessively high subscription rates. If satellite radio develops an attitude of a monopolistic provider of broadcast services, I can assure that consumers will punish the company that emerges out of the merger by cancelling their subscriptions. The result would be punishment well beyond what any "free radio" station could ever face --- bankruptcy and the end of an era of great innovation.

As a consumer and citizen of this great nation of innovators, I ask that each commissioner cast their vote with the desires of satellite radio consumers in mind and approve the merger.

A vote against the merger will be considered by most consumers as a vote against consumers' right to have alternative sources from which they

obtain their radio entertainment. A vote against the merger will play into the hands of greedy, self-serving "free air" broadcasters and unethical members of the U.S. Congress who have sold their votes and are urging you to ignore the desires of satellite radio consumers.

I urge each commissioner to vote for the merger and protect the rights of consumers to make their choice about where they wish to obtain their radio entertainment.

Respectfully,

Steven W. Nichols

The foregoing comments are those of the author of this e-mail and not that of the Insurance Council of Texas. The recipients of these comments should in no way misconstrue the comments as those of the Insurance Council of Texas.

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Steven W. =0A

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